

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2298

(SENATE AUTHORS: WESTROM)

DATE
03/25/2021

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to adoption; specifying adoption rights and required processes for
1.3 prospective parents with deafness, blindness, or physical disability; amending
1.4 Minnesota Statutes 2020, sections 259.57, by adding a subdivision; 260C.633.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 259.57, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. Denial of petition; prospective parent with deafness, blindness, or physical
1.9 disability. (a) A court or agency shall not deny a petitioner the ability to proceed with an
1.10 adoption solely due to the petitioner's deafness, blindness, or physical disability. A person
1.11 raising deafness, blindness, or physical disability as a basis for denying an adoption has the
1.12 burden to prove by clear and convincing evidence that specific behaviors of the parent will
1.13 endanger the health or safety of the child. If the person meets the burden, the blind, deaf,
1.14 or physically disabled prospective parent shall have the opportunity to demonstrate how
1.15 implementing supportive services can alleviate concerns. The court may require the agency
1.16 to provide the opportunity to use supportive parenting services to the prospective parent.
1.17 Within a reasonable period of time, the prospective parent has the right to a court hearing
1.18 to review the need for continuing services.

1.19 (b) If a court denies or limits a blind, deaf, or physically disabled prospective parent's
1.20 right to adopt a child, the court shall make specific written findings stating the basis for
1.21 such a determination and why providing supportive parenting services is not a reasonable
1.22 accommodation that could prevent the denial or limitation.

1.23 (c) For purposes of this section:

2.1 (1) "blindness" means a central visual acuity of 20 out of 200 or less in the better eye
2.2 with the use of a correcting lens, or an eye that has a limitation in the field of vision so that
2.3 the widest diameter of the visual field subtends to an angle no greater than 20 degrees, or
2.4 when the individual has a degenerative condition that is reasonably expected to result in
2.5 either of these conditions;

2.6 (2) "deafness" means a hearing loss of such severity that the individual must depend
2.7 primarily on visual communication such as American Sign Language or other signed
2.8 language, visual and manual means of communication such as signing systems in English
2.9 or cued speech, writing, speech reading, and gestures; and

2.10 (3) "supportive parenting services" means services that may assist a deaf, blind, or
2.11 physically disabled parent in effectively using alternative techniques to parent a child as
2.12 successfully as a parent who is not deaf, blind, or disabled, such as audio or visual aids,
2.13 training, or assistance from an individual or technology.

2.14 Sec. 2. Minnesota Statutes 2020, section 260C.633, is amended to read:

2.15 **260C.633 ADOPTION DENIED.**

2.16 (a) If the court is not satisfied that the proposed adoption is in the best interests of the
2.17 child to be adopted, the court shall deny the petition and order the responsible social services
2.18 agency to take appropriate action for the protection and safety of the child. If venue has
2.19 been transferred under section 260C.621, subdivision 2, the court denying the petition shall
2.20 notify the court originally conducting the guardianship reviews under section 260C.607.

2.21 (b) The court responsible for conducting reviews under section 260C.607 shall set a
2.22 hearing within 30 days of receiving notice of denial of the petition.

2.23 (c) Any appeal of the denial of an adoption petition under this section shall be made
2.24 according to the requirements of the Minnesota Rules of Adoption Procedure.

2.25 (d) The court shall not deny a petition for adoption solely due to the petitioner's deafness,
2.26 blindness, or physical disability. A person raising deafness, blindness, or physical disability
2.27 as a basis for denying an adoption has the burden to prove by clear and convincing evidence
2.28 that specific behaviors of the prospective parent will endanger the health or safety of the
2.29 child. If the person meets the burden, the blind, deaf, or physically disabled prospective
2.30 parent shall have the opportunity to demonstrate how implementing supportive parenting
2.31 services can alleviate concerns. The court may require the responsible social services agency
2.32 to provide the opportunity to use supportive parenting services to the prospective parent.
2.33 Within a reasonable period of time, the prospective parent has the right to a court hearing

3.1 to review the need for continuing services. If the court denies or limits a blind, deaf, or
3.2 physically disabled prospective parent's petition for adoption, the court shall make specific
3.3 written findings stating the basis for such a determination and why providing supportive
3.4 parenting services is not a reasonable accommodation that could prevent the denial or
3.5 limitation. For purposes of this section, blindness, deafness, and supportive parenting services
3.6 have the meanings given in section 259.57, subdivision 1a.